STATE OF DELAWARE
DEPARTMENT OF AGRICULTURE
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March 28, 2013

Tawanda Maignon
Section 18 Emergency Response Team
U.S. EPA, Office of Pesticide Programs (7505P)
Document Processing Desk (EMEX)
Room S4900, One Potomac yard
2777 Crystal Drive
Arlington, VA 22202

Dear Ms. Maignon:

The Delaware Department of Agriculture, as lead agency for pesticide regulation in Delaware, hereby requests to be included on the regional Specific Exemption under Section 18 of FIFRA for the use of bifenthrin on pome and stone fruit trees to control the brown marmorated stink bugs(BMSB) (*Halyomorpha halys)*.

Delaware is again requesting that all three counties (New Castle, Kent and Sussex) be included in the Specific Exemption. The estimated total acres requested are 200 acres of apples, 200 acres of peaches and 15 acres of nectarines.

Joanne Whalen, University of Delaware, Extension IPM Specialist, has submitted an assessment of significant economic loss from BMSB. At the end of the 2012 season, our fruit growers indicated that feeding from the BMSB continues to result in damage to apples and peaches. In 2012, the damage on apples was less than the 30-40% damage that occurred in 2011; however it is difficult to give an exact estimate. With the potential for higher damage in 2012 versus 2011, we can expect the damage on apples in 2013 to at least as high previous years, i.e. 30-40% damage. In 2012, the damage on peaches was estimated to be 20% damaged fruit.

As far as marketability losses, the consultant working with Delaware fruit growers, Joanne and the growers themselves agree that it is hard to determine a percentage yield loss. It is very difficult to always separate out stink bug from nutritional damage. In addition, it is very common for fruit to have multiple damage marks resulting from a variety of reasons. As far as peaches, if there is just one defect the fruit is thrown out because number 2 peaches are hard to sell. So by and large, they get spread on the

field. As a result, the income loss would be 100% for peaches and the same would be true for nectarines. In comparison, there is a number 2 market for apples with the market price being 40% of the fresh market price. In 2012, bifenthrin was not used on peaches and apples in Delaware due to the short season and the restrictions on days to harvest. Members of the BMSB working group are predicting a record population of BMSB in the region in 2013. If this occurs, the availability of bifenthrin on pome and stone fruit in Delaware will be critical to avoid significant economic losses for commercial fruit growers in 2013. The Department believes the approval of this request will not cause any harm to the environment or human health.

Enclosed are two listings of Endangered Species in Delaware. One is the Federal list and the other list is a State of Delaware compilation from the Department of Natural Resources and Environmental Control (DNREC). The animals and plants on the Federal listing will not be impacted by use of the insecticide on pome and stone fruit trees. None of these animals' habitats are located in the orchards and the plant species would not be affected even if exposure occurs. The nine (9) insects on the state list should not be effected either.

Thank you for your earliest response to this request. If you have any questions or need additional information, please contact my office or Joanne Whalen (302-831-1303).

Very truly yours,

David H. Pyle
Pesticide Compliance Administrator

Enclosures

cc: W. Edwin Kee, Jr., Secretary, DE Dept. of Agriculture
Joanne Whalen, IPM Specialist, University of Delaware
Christopher D. Wade, Pesticide Compliance Supervisor, DDA
Edna J. Stetzar, Biologist, DE Dept. of Natural Resources and Environmental Control